

1937

c 18 Public Officers' Fees Act

Ontario

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Bibliographic Citation

Public Officers' Fees Act, RSO 1937, c 18

Repository Citation

Ontario (1937) "c 18 Public Officers' Fees Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 1, Article 22.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss1/22>

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CHAPTER 18.

The Public Officers' Fees Act.

INTERPRETATION.

Interpreta-
tion of
"proper
officer."

1. "Proper officer" shall mean the inspector appointed under any Statute, having supervision over the office in question or any person designated by the Lieutenant-Governor in Council. R.S.O. 1927, c. 19, s. 1.

OFFICER TO PAY PERCENTAGE OF FEES TO CROWN.

Percentage
of fees
payable to
Province.

2.—(1) Every officer to whom this Act applies, paid by fees or other emoluments and not by salary, only, shall pay to the Treasurer of Ontario a percentage of the fees and emoluments earned by him during the calendar year as provided by this Act and by any regulation made thereunder.

Apportion-
ment
where more
than one
officer in
any year.

(2) When more than one person has held any office in any calendar year, each shall pay a proportionate part based upon his net income and the time he has held office. R.S.O. 1927, c. 19, s. 2.

RETURNS.

Returns
to be made
on or before
15th
January.

3.—(1) On or before the 15th day of January in each year every officer to whom this Act applies shall transmit to the proper officer a return, under oath, of all fees and emoluments, including his salary, if any, earned in respect of his office, whether actually received or not, and also of the disbursements of his office during the calendar year ending on the 31st December previous to such return, and shall with such return transmit by marked cheque payable to the Treasurer of Ontario the percentage payable to the Government under this Act.

When ceas-
ing to hold
office.

(2) When any person ceases to hold office during any calendar year he shall make a return and remit a cheque for the due proportion of the percentage within thirty days from the time he ceases to hold office.

Where officer
dies.

(3) Upon the death of any person holding office his representatives shall make a return within thirty days from the date of death and pay the due proportion of the percentage.

(4) When so required by the Attorney-General any officer shall make at any time a special return and shall forthwith pay over the due proportion of the percentage as of the date of such return. R.S.O. 1927, c. 19, s. 3.

Attorney-General may require at any time.

[See also *The Public Officers Act, Rev. Stat., c. 16, ss. 13, 14.*]

PERCENTAGES BASED ON NET INCOME.

4.—(1) In this Act "net income" shall mean the excess of all fees and emoluments earned during the calendar year by an officer, by virtue of all his offices, after deducting such disbursements incident to the business of the office as may be allowed by the proper officer including the salaries of clerks and other employees.

"Net income"—meaning of.

(2) No allowance shall be made for any salary to any clerk or other employee unless and until the proper officer shall have certified to the necessity for his employment and the reasonableness of the salary paid.

Allowances for salary to be approved.

(3) This section shall apply to all persons holding the following offices,

Application of section.

Crown attorney;

clerk of the peace;

sheriff;

local registrar of the Supreme Court;

deputy registrar;

clerk of the county or district court;

registrar of the surrogate court,

and any other officer designated by the Lieutenant-Governor in Council. R.S.O. 1927, c. 19, s. 4.

5. Every Crown attorney, whether he is or is not the clerk of the peace, and every clerk of the peace, shall be entitled to retain to his own use in each year his net income up to \$4,000, but shall pay to the Treasurer of Ontario fifty per centum of the excess over that sum. R.S.O. 1927, c. 19, s. 5; 1929, c. 9, s. 2.

Crown attorney.

Sheriff.

6. Every sheriff shall be entitled to retain to his own use in each year his net income up to \$6,500, but shall pay to the Treasurer of Ontario ninety per centum of the excess over that sum provided that the provisions of this section shall not apply to any sheriff appointed after the 28th day of March, 1929. R.S.O. 1927, c. 19, s. 6; 1929, c. 9, s. 3.

Supreme
Court,
county
court and
surrogate
court fees.

7.—(1) Every local registrar of the Supreme Court, deputy registrar, county or district court clerk and registrar of the surrogate court, whether holding one or more of the above offices, and every sheriff shall be entitled to retain to his own use in each year his net income up to \$3,000.

Percentages
payable on
net income.

(2) On the net income of each year over \$3,000, he shall pay to the Treasurer of Ontario the following percentages,—

- (a) on the excess over \$3,000 up to \$3,500, 20 per centum;
 - (b) on the excess over \$3,500 up to \$6,000, 50 per centum;
 - (c) on the excess over \$6,000, 90 per centum.
- 1929, c. 9, s. 4 (1).

Application
of subs. 1
and 2.

(3) Subsections 1 and 2 shall not apply in the case of a sheriff who was in office on the 28th day of March, 1929. 1929, c. 9, s. 4 (2).

PERCENTAGE BASED ON GROSS INCOME.

Division
Court
Clerk.

8.—(1) Every division court clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$3,000. R.S.O. 1927, c. 19, s. 8 (1); 1929, c. 9, s. 5 (1).

Scale of
percentages
payable to
Province.

(2) Of the fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario the following percentages,—

- (a) on the excess over \$3,000 up to \$3,500, twenty per centum thereof;
- (b) on the excess over \$3,500 up to \$6,000, thirty per centum thereof;
- (c) on the excess over \$6,000 up to \$10,000, forty per centum thereof;
- (d) on the excess over \$10,000, seventy-five per centum thereof. R.S.O. 1927, c. 19, s. 8 (2); 1929, c. 9, s. 5 (2).

(3) Every division court bailiff shall be entitled to retain Division Court Bailiffs. to his own use in each year all the fees and emoluments earned by him in that year up to \$4,000.

(4) Of all the fees and emoluments earned by any division court bailiff in each year he shall pay to the Treasurer of Ontario the following percentages,— Scale of percentages payable to Province.

(a) on the excess over \$4,000 up to \$10,000, ten per centum thereof;

(b) on the excess over \$10,000, twenty per centum thereof. R.S.O. 1927, c. 19, s. 8 (3, 4).

PAYMENTS TO FORM PART OF CONSOLIDATED REVENUE FUND.

9. The money paid to the Treasurer of Ontario shall form Application of moneys received by the Province. part of the Consolidated Revenue Fund. R.S.O. 1927, c. 19, s. 9.

PAYMENTS TO SUPPLEMENT EARNINGS OF OFFICERS IN PROVISIONAL JUDICIAL DISTRICTS.

10. The Lieutenant-Governor in Council may direct the payment out of the Consolidated Revenue Fund to the sheriff Salaries of sheriffs in district. and other officers of every provisional judicial district of such several sums of money by way of salary or otherwise, and in addition to the fees which are received by such sheriff and other officers as may be thought reasonable for the services performed by such officers. R.S.O. 1927, c. 19, s. 10.

REGULATION.

11. The Lieutenant-Governor in Council may make rules Rules and regulations for management of offices. and regulations for the management of the offices of all public officers and may confer upon any inspector such powers as may be deemed necessary for the carrying out of the provisions of this Act and of the Acts under which the said officers are appointed or under which they are required to discharge their duties. R.S.O. 1927, c. 19, s. 11.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, Minimum salary for certain officers.

if any, of his office, after deducting necessary disbursements, an income which does not exceed \$1,800, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$1,800, if the Lieutenant-Governor in Council so directs. 1929, c. 9, s. 6.

Alteration of percentages and provisions *re* income.

13.—(1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages payable under the provisions of this Act by any officer to whom this Act applies, and the amount of net or gross income that any such officer under this Act is entitled to retain to his own use, and every such amendment or repeal shall have the same force and effect as if enacted by this Legislature.

Alterations of fees under Ontario Statutes.

(2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under the provisions of any Act of this Legislature to any sheriff, crown attorney, clerk of the peace or any officer within the provisions of this Act, and every such amendment or repeal shall have the same force and effect as if enacted by this Legislature. 1933, c. 59, s. 1.

COMPULSORY RETIREMENT OF OFFICERS.

Compulsory retirement of officers.

14. An officer, other than a sheriff, to whom this Act applies shall cease to hold office upon attaining the age of eighty years and the appointment of his successor. 1931, c. 23, s. 1.
